

## **REMARKS**

Applicant respectfully requests consideration and allowance of the elected claims. Claims 1-88 were originally filed. Claims 1-52 and 86 have been previously withdrawn/canceled. Claims 53-85, 87 and 88 remain pending.

### **Allowable Subject Matter**

Applicant appreciates the Examiner indicating that claims 53-85, 87 and 88 would be allowable if the below referenced Double Patenting rejection is overcome. The Applicant submits that this Response overcomes the rejection. Accordingly, the instant Application should now be in condition for allowance.

### **Double Patenting – Nonstatutory-Type**

**Claims 53-85, 87 and 88** stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of U.S. Patent No. 6,848,080. Applicant respectfully disagrees with the rejection.

Nonetheless, in the interest of advancing the instant application to allowance, without acquiescing to the rejection, Applicant hereby submits a Terminal Disclaimer to render the rejection moot. Accordingly, the Applicant respectfully requests reconsideration and withdrawal of the rejection under the judicially created doctrine of obviousness-type double patenting.

Conclusion

In accordance with the foregoing remarks in response to the outstanding Office Action, which indicates that the pending claims would be in condition for allowance, the application should now be in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the Applicant at the email address provided below.

Respectfully Submitted,

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